

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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|---------------------------------|---|----------------------------------|
| UNITED STATES OF AMERICA | : | CRIMINAL NO. 4:10-CR-0231 |
| | : | |
| | : | (Judge Conner) |
| v. | : | |
| | : | |
| KYLE G. NELSON, | : | |
| Defendant | : | |

ORDER

AND NOW, this 10th day of March, 2011, upon consideration of the handwritten letter filed by defendant Kyle G. Nelson (Doc. 51), in which defendant Nelson asks that this court assist him in obtaining new counsel for his sentencing and an eventual appeal, and upon further consideration of the *ex parte* response (Doc. 53) filed by defendant Nelson's court-appointed counsel, Stephen C. Smith, Esquire, in response to this court's March 3, 2011 order (Doc. 52) directing Attorney Smith to confer with his client and respond to defendant Nelson's request, and it appearing that irreconcilable differences exist between defendant Nelson and Attorney Smith such that Attorney Smith would be unable to litigate effectively the remaining issues in defendant Nelson's case,¹ it is hereby ORDERED that:

1. Defendant Nelson's request (Doc. 51) is GRANTED, and Stephen C. Smith, Esquire, is discharged as court-appointed attorney for defendant Kyle G. Nelson.

¹ See United States v. Goldberg, 67 F.3d 1092, 1098 (3d Cir. 1995) (noting that, in the context of a request for substitution of counsel and a continuance, a court need not grant such a request unless "good cause" is shown, meaning "a conflict of interest, a complete breakdown of communication, or an irreconcilable conflict with the attorney") (citing United States v. Welty, 674 F.2d 185, 188 (3d Cir. 1982)).

2. Douglas B. Chester, Esquire, is hereby appointed to represent defendant Nelson in all further proceedings.
3. The Clerk of Court is directed to forward all necessary materials to Douglas B. Chester, Esquire, as soon as possible.
4. Stephen C. Smith, Esquire, is directed to provide to Douglas B. Chester, Esquire, the file in the above-captioned case as soon as possible.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge